

Remarks/Arguments:

The pending claims are 1, 3-27. Claim 2 has been canceled. Claims 1 and 3 have been amended. Claim 27 has been added.

Applicants acknowledge with thanks the Examiner's allowance of claims 14-26. Applicants also acknowledge with thanks the Examiner's indication that claims 4-13 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. At this time, however, applicants have not rewritten claims 4-13 because they contend that claim 1, as amended, is allowable.

Claims 1-3 have been rejected under 35 U.S.C. § 103(a) as unpatentable over Nishihara et al. (U.S. Patent No. 5,909,156) taken in conjunction with Applicants' admitted prior art Figure 29. Prior to the amendment of claim 1 in the present response, claim 1 recited, in part:

wherein the transmission filter has a power durability at said output port thereof, the power durability being equal to or larger than a power durability at said input port thereof.

The Office Action has rejected claim 1 based upon the contention that:

[b]ecause the SAW filter circuit is symmetrical (i.e. $P=P$, $S=S$ and P' in the middle), the filter must inherently have equal power durability at each of its input and output/antenna port.

Claim 1 has now been amended by deleting the phrase "equal to or." Accordingly, amended claim 1 now reads, in part:

wherein the transmission filter has a power durability at said output port thereof, the power durability being larger than a power durability at said input port thereof.

The Office Action contends that the filter disclosed in Nishihara has equal power durability at each of its input port and output/antenna port. It necessarily follows that the power durability at Nishihara's output port is not "larger than a power durability at said input port thereof."

In addition, paragraph 5, page 3 of the Office Action admits that "Fig. 29 does not show a transmission filter being a surface acoustic wave (SAW) filter with the recited power

durability." (emphasis added). That is, the Office Action admits that Fig. 29 does not show a transmission filter being a surface acoustic wave (SAW) filter having

a power durability at said output port thereof, the power durability being larger than a power durability at said input port thereof.

Also, there is no suggestion in either reference that either Nishihara or the Fig. 29 device could or should be modified so that either device would have "a power durability at said output port thereof, the power durability being larger than a power durability at said input port thereof." Accordingly, since neither Nishihara nor Fig. 29 of Applicants' admitted prior art individually show or disclose this feature, the combination of both references cannot show or disclose the feature. Therefore, amended claim 1 is not subject to rejection under 35 U.S.C. § 103(a) as unpatentable over Nishihara et al. taken in conjunction with Applicants' admitted prior art Figure 29.

Since claim 2 has been canceled, that rejection is now moot.

Claim 3 has been amended by deleting "and wherein a layout of said SAW resonator and conductor pattern is symmetrical." This amendment makes claim 3 consistent with amended claim 1. Since amended claim 3 depends from amended claim 1, amended claim 3 is also not subject to rejection under 35 U.S.C. § 103(a) as unpatentable over Nishihara et al. taken in conjunction with Applicants' admitted prior art Figure 29.

Similarly, claims 4-13 depend from amended claim 1. Since amended claim 1 is no longer subject to rejection over the cited prior art, claims 4-13 are now allowable without being rewritten in independent form.

Claim 27 has been newly added. Since claim 27 depends from allowed claim 14, it is also allowable along with allowed claim 14.

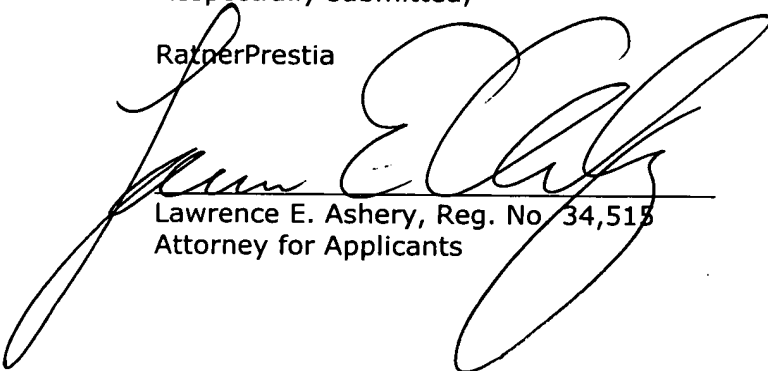
Appln. No. 10/087,275
Amendment Dated January 28, 2004
Reply to Final Office Action of December 2, 2003

MAT-8235US

Accordingly, applicants respectfully solicit allowance of the entire application.

Respectfully submitted,

RatnerPrestia


Lawrence E. Ashery, Reg. No. 34,513
Attorney for Applicants

LEA/SW/kc

Dated: January 28, 2004

P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

The Commissioner for Patents is hereby
authorized to charge payment to Deposit
Account No. **18-0350** of any fees associated
with this communication.

I hereby certify that this correspondence is being deposited with
the United States Postal Service as first class mail, with sufficient
postage, in an envelope addressed to: Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450 on:

January 28, 2004

